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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,005	06/21/2001	Kazuo Kuroda	1767-83	3546

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER

SHIBRU, HELEN

ART UNIT PAPER NUMBER

2621

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/885,005

Applicant(s)

KURODA ET AL.

Examiner

HELEN SHIBRU

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,6-14,16-21,23,25-30 and 33-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,6-14,16-21,23,25-30 and 33-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/01,09/04,04/05, and 03/06 HPS
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The amendments filed on 03/06/2006 have been entered and made of record. Claims 2, 4-5, 15, 22, 24, 31-32 are cancelled and claims 1, 3, 6-14, 16-21, 23, 25-30, 33-38 are pending.

Response to Arguments

2. Applicant's arguments filed 03/06/2006 have been fully considered but they are not persuasive.

3. In re page 22 Applicant states that "Utsumi et al. does not disclose or suggest cyclically outputting information to, for example, be recorded. There is also no description that the information to be recorded includes order information as claimed.

Utsumi et al. also describes sector format and address format beginning in col. 11 However, there is no disclosure or suggestion, for example, that such information, or related information, accompany information to be recorded."

In response the examiner respectfully disagrees. Utsumi discloses a number of sectors are used to record character and data times information (see col. 14 line 33-col. 15 line 2). Utsumi further discloses predetermined management information is recorded in each sector and the U-TOC data and AUX-TOC data are repetitively recorded three times in the three clusters 3, 4, 5 (U-TOC) and 6,7,8 (AUX-TOC) (see col. 13 lines 19-38). Utsumi further discloses clusters 6, 7, and 8 are used to record AUX-TOC (see col. 13 lines 26-32). Utsumi further discloses the recorded positions of track is designated in accordance with an order in time (see figures 23A-E

and col. 16 lines 49-64 and col. 30 lines 13-20). Utsumi further discloses a time stamp as synchronized information is embedded (see col. 39 line 59-col. 40 line 14 and col. 43 lines 20-29). Utsumi further discloses text files are read out from a disc and store them in to a buffer memory before track reproduction started and scan the text files stored in the buffer memory 13 to read out the time stamps to grasp information in a reproduction outputting order. Utsumi further discloses one cluster includes a linking region of four sectors and main data region (see col. 11 lines 19-21). Utsumi further discloses TOC data, audio data and Aux data are recorded into the main data region (see col. 15 lines 19-28). Utsumi further discloses after 8 bytes are prepared and recorded, all 0s are recorded in the remaining part tables (see col. 20 line 30-col. 21 line 44).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3, 6-14, 16-20, 30, and 33-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Utsumi (US Pat. No. 6,400,667).

Regarding claim 1, Utsumi discloses an information inputting apparatus comprising an outputting device for outputting main information including a plurality of partial information and order information showing an order of recording or reproducing at the time of recording or

reproducing, each of the order information being added to each of the partial information (see col. 33 lines 14-25, line 56-col.34 line 6),

wherein the outputting device cyclically outputs the whole of the main information, and in each session of outputting the whole of main information. the outputting device sequentially outputs the partial information and the order information added to the partial information in accordance with the order of recording or reproducing (see col. 13 lines 19-38, col. 14 line 33-col. 15 line 2, and col. 16 lines 49-64 and col. 30 lines 13-20, and figures 23A-E).

Regarding claim 3, Utsumi discloses main information is compressed by a variable bit rate (see col. 34 lines 43-61).

Claim 12 is rejected for the same reason as discussed in claim 1 above.

Regarding claim 6, Utsumi discloses main information includes reproduction controlling information for controlling a reproduction manner of said main information recorded in a recording medium, and the outputting device sequentially outputs the reproduction controlling information, the partial information, and the order information added to the partial information in accordance with the order of recording or reproducing (see col. 9 lines 36-58. col. 13 lines 19-38, col. 14 line 33-col. 15 line 2, and col. 16 lines 49-64 and col. 30 lines 13-20, col. 45 lines 24-30, and figures 23A-E).

Regarding claim 7, Utsumi discloses main information includes regulating information for regulating the number of times for copying after said main information is recoded in said recording medium (see col. 20 line 64-col. 21 line 15), and

The information outputting apparatus further comprises a changing device for by changing each of said respective order information in association with the regulating information (see col. 21 lines 26-38 and see claim 1 rejection and paragraph 3 above), and

said outputting device sequentially outputs at least the partial information and said changing order information, which is added to the partial information and is generated by the changing device, in accordance with the changing order information (see claim 1 rejection and paragraph 3 above, and col. 20 lines 1-17).

Regarding claim 8, Utsumi discloses partial information comprises an information sector (see col. 11 lines 24-32), and said order information is any one of sector address information in association with said respective information sectors and relative information which is related to said sector address information (see col. 11 line 66-col. 12 line 6 and col. 15 lines 3-7).

Regarding claim 9, Utsumi discloses an information recording apparatus for recording main information which are outputted from an information outputting apparatus, in a recording medium (see col. 9 lines 53-58 and col. 33 lines 21-25 and 34-40) wherein the information outputting apparatus comprises: an outputting device for outputting main information including a plurality partial information (see col. 33 lines 21-25) and order information showing an order of recording or reproducing at the time of recording or reproducing, each of the order information being added to each of the partial information, and each session of outputting the whole of main information, the outputting device sequentially outputs the partial information and the order information added to the partial information in accordance with the order of recording or reproducing (see col. 33 lines 14-20 and line 56-col.34 line 6, col. 39 lines 27-43 and col. 44 lines 30-40, controller (11) in fig. 1, and claim 1 rejection and paragraph 3 above),

wherein said information recording apparatus comprises:

an obtaining device for obtaining said outputted partial information in said main information (see col. 42 line 63-col. 43 line 5); and

a recording device for recording said obtained partial information in said recording medium by using said obtained order information in the order of obtaining (see col. 8 line 29-47),

wherein said recording device determines whether the whole of one main information is completely recorded or not in accordance with said recorded order information (see col. 19 and 20, and claim 1 rejection and paragraph 3 above), and

when said recording device determines that the whole of said one main information is not completely recorded in session, said recording device records remaining partial information and order information in said one main information in another session (see paragraph 3 above).

Regarding claim 10, Utsumi discloses address information showing a recording position on said recording medium is recorded in advance on said recording medium (see col. 35 line 59-col. 36 line 9), and

said recording device records said partial information in association with said order information on a recording position on said recording medium, which is indicated by said address information associated with said obtained information (see col. 15 lines 3-12).

Claims 11, 17, and 20 are rejected for the same reason as described in claim 8 above.

Regarding claim 13, the limitation of claim 13 can be found in claim 1. Therefore claim 13 is analyzed and rejected for the same reason as discussed in claim 1 above.

Claim 14 is rejected for the same reason as discussed in claim 3 above.

Claim 16 is rejected for the same reason as discussed in claim 7 above.

Claim 18 is rejected for the same reason as discussed in claim 9 above.

Claim 19 is rejected for the same reason as discussed in claim 10 above.

Claim 30 is rejected for the same reason as discussed in claim 9 above.

Regarding claim 33, Utsumi discloses an output apparatus for outputting contents that are distributed to a recording apparatus, the output apparatus comprising:

an outputting section for repeatedly outputting an entire information unit comprising a plurality of information pieces, each information piece being output with associated order information indicative of that information piece's position in a recording/reproducing order of the information pieces (see figures 1, 29-31), and

a transmitting section for transmitting the information pieces and associated order information to a recording apparatus for recording the information pieces onto a recording medium in accordance with the order information (see figure 30 and rejection of claim 1 and paragraph 3 above).

Regarding claim 34, Utsumi discloses order information corresponds to address for the recording medium (see paragraph 3 above).

Regarding claim 35, Utsumi discloses the information pieces are copy-controlled (see figures 19A and B).

Regarding claim 36, Utsumi discloses a receiving section for receiving information pieces of an entire information unit repeatedly transmitted by the output apparatus, each information piece having associated order information indicative of that information piece's

position in a recording reproducing order of the information pieces (see col. 28-29 and figures 30-31), and

a recording section for recording the received information pieces onto a recording medium, wherein the recording section uses the order information so that recording of the information pieces onto the recording medium can begin even if an information piece initially received by the receiving section is not the first information piece in the recording reproducing order and so that recording of the information pieces onto the recording medium can be completed during a subsequent one of the repeated transmissions of the entire information unit by the output apparatus (see col. 30-32 and figures 19b, 29-31).

Regarding claim 37-38 Utsumi discloses the recording section records the information pieces onto the recording medium so that the first information piece in the recording reproducing order is recorded at the beginning of the data area of the recording medium. (see col. 22 lines 36-45).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21, 23, 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Utsumi.

Regarding claim 21, the limitations in this claim can be found in the apparatus claim 1. However claim 21 further requires a recording medium for storing a program causing the computer to execute steps as claimed in claim 1. Official notice is taken that it is well known in

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the art to embody inventions in software to be executed by a computer. Therefore, it would have been obvious to one of ordinary skill in the art to modify the teaching of Kawamura by having a record medium capable of being read by a computer tangibly embodying a program causing the computer to execute the steps of the method claim. The motivation for having a recordable by a computer is that such a method can be easily enhanced and executed multiple times.

Claim 23 is rejected for the same reason as discussed in claim 3 above.

Claim 25 is rejected for the same reason as discussed in claim 7 above.

Claim 26 is rejected for the same reason as discussed in claim 10 above.

Regarding claim 27, the limitations in this claim can be found in the apparatus claim 9. However claim 27 further requires a recording medium for storing a program causing the computer to execute steps as claimed in claim 9. Official notice is taken that it is well known in the art to embody inventions in software to be executed by a computer. Therefore, it would have been obvious to one of ordinary skill in the art to modify the teaching of Kawamura by having a record medium capable of being read by a computer tangibly embodying a program causing the computer to execute the steps of the method claim. The motivation for having a recordable by a computer is that such a method can be easily enhanced and executed multiple times.

Claim 28 is rejected for the same reason as discussed in claim 10 above.

Claim 29 is rejected for the same reason as discussed in claim 8 above.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329.

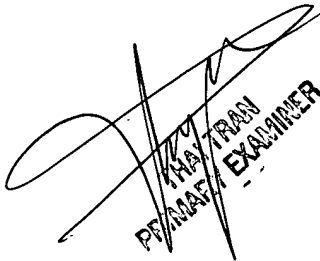
The examiner can normally be reached on M-F, 8:30AM-5PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Helen Shibru
April 9, 2006


THAI Q. TRAN
PRIMARY EXAMINER